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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,086	01/07/2004	Scott Fladhammer	053990-0041	5420

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EXAMINER	
PAYNE, SHARON E	
ART UNIT	**PAPER NUMBER**
2875	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,086	FLADHAMMER, SCOTT	
	Examiner	Art Unit	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *0604*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisak et al. (U.S. Patent 5,165,775).

Regarding claim 1, Lisak et al. discloses a housing (lower portion of Fig. 1), a gear (reference number 34) positioned inside the housing (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the housing (Fig. 3), and at least one tang (reference number 53) positioned outside the housing (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15).

Concerning claim 2, Lisak et al. discloses the at least one tang (reference number 53) having at least one projection (Fig. 2).

Regarding claim 4, Lisak et al. discloses the housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft results in rotation of the gear and movement of the control rod (Fig. 2).

Concerning claim 5, Lisak et al. discloses the housing having a nose (Fig. 3, right-most portion of the housing).

Regarding claim 7, Lisak et al. discloses the gear (reference number 34) having an extension (right-most portion of gear 34, Fig. 3) that extends into the nose of the housing (Fig. 3).

Concerning claim 8, Lisak et al. discloses the control rod (reference number 16) having a portion positioned inside the extension of the gear (Fig. 3, right) and the extension of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2, see inside the gear on the right).

Regarding claim 9, Lisak et al. discloses the housing having an opening (Fig. 2, reference number 84) and the control rod (reference number 16) is positioned in the opening (Fig. 3, right).

Concerning claim 10, Lisak et al. discloses the at least one tang (reference number 53) being positioned outside the opening (Fig. 2).

Regarding claim 11, Lisak et al. discloses the gear (reference number 34) having an interior (Fig. 2), the control rod having a portion positioned inside the interior of the gear (Fig. 2) and the interior of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. in view of Schmitt (U.S. Patent 5,309,780).

Regarding claim 3, Lisak et al. does not disclose a groove. Schmitt discloses the control rod (reference number 30) having at least one groove (Fig. 3) corresponding to the at least one projection (reference number 70, Fig. 5) such that the at least one projection functionally engages the groove thereby preventing rotation of the control rod (column 5, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. to "reduce the cost of the mechanism . . . ." See column 3, line 36, of Schmitt.

Concerning claim 6, Lisak et al. does not disclose the tang being positioned on the nose. Schmitt discloses the tang (reference number 70) being positioned on the nose (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. to "reduce the cost of the mechanism . . . ." See column 3, line 36, of Schmitt.

4. Claims 12, 13, 15-19, 21, 22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. in view of Lisak (U.S. Patent 5,077,642).

Regarding claim 12, Lisak et al. does not disclose a lamp. Lisak discloses a lamp housing (Fig. 1) on which the housing (reference number 38) is mounted (Fig. 1), and a reflector (reference number 26) pivotably engaged to the lamp housing (Fig. 1) and the control rod (reference number 36) such that movement of the control rod causes the reflector to move with respect to the lamp housing (abstract, Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Concerning claim 13, Lisak et al. discloses a housing (lower portion of Fig. 1), a gear (reference number 34) positioned inside the housing (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the housing (Fig. 3), and at least one tang (reference number 53) positioned outside the housing (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15). Lisak et al. does not disclose a lamp housing or reflector.

Lisak discloses a lamp housing (Fig. 1), a reflector (reference number 26) pivotably engaged to the lamp housing (Fig. 1) and the adjuster being engaged to the lamp housing and the reflector (Fig. 1) such that movement of the control rod (reference number 36) causes the reflector to move with respect to the lamp housing (Fig. 1, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Regarding claim 15, Lisak et al. discloses the housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft results in rotation of the gear and movement of the control rod (Fig. 2) and movement of the lamp (abstract).

Concerning claim 16, Lisak et al. does not disclose a lens. Lisak discloses the lamp housing (Fig. 1) having a lens (reference number 22) mounted thereto (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Regarding claim 17, Lisak et al. discloses a gear (reference number 34) positioned inside the adjuster portion (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the adjuster portion (Fig. 3) and at least one tang (reference number 53) positioned outside the adjuster portion (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15). Lisak et al. does not disclose a lamp housing.

Lisak discloses a lamp housing (Fig. 1) having an adjuster portion (reference number 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Concerning claim 18, Lisak et al. does not disclose a reflector. Lisak discloses a reflector (reference number 26) pivotably mounted within the lamp housing (Fig. 1, abstract) and connected to the control rod (Fig. 1) such that movement of the control rod causes the reflector to move with respect to the lamp housing (Fig. 1, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Concerning claim 19, Lisak et al. does not disclose a lens. Lisak discloses the lamp housing (Fig. 1) having a lens (reference number 22) mounted thereto (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Lisak with the adjuster of Lisak et al. to "assure proper subsequent aiming of the headlamp beam." See the abstract of Lisak.

Regarding claim 21, Lisak et al. discloses the adjuster portion of the lamp housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft results in rotation of the gear and movement of the control rod (Fig. 2).

Concerning claim 22, Lisak et al. discloses the housing having a nose (Fig. 3, right-most portion of the housing).

Regarding claim 24, Lisak et al. discloses the gear (reference number 34) having an extension (right-most portion of gear 34, Fig. 3) that extends into the nose of the adjuster portion (Fig. 3).

Concerning claim 25, Lisak et al. discloses the control rod (reference number 16) having a portion positioned inside the extension of the gear (Fig. 3, right) and the extension of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2, see inside the gear on the right).

Regarding claim 26, Lisak et al. discloses the housing having an opening (Fig. 2, reference number 84) and the control rod (reference number 16) is positioned in the opening (Fig. 3, right).

Concerning claim 27, Lisak et al. discloses the at least one tang (reference number 53) being positioned outside the opening (Fig. 2).

Regarding claim 28, Lisak et al. discloses the gear (reference number 34) having an interior (Fig. 2), the control rod having a portion positioned inside the interior of the gear (Fig. 2) and the interior of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2).

5. Claims 14, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. in view of Lisak as applied to claims 13 and 17 above, and further in view of Schmitt.

Regarding claims 14 and 20, Lisak et al. and Lisak do not disclose a groove. Schmitt discloses the control rod (reference number 30) having at least one groove (Fig. 3) corresponding to the at least one projection (reference number 70, Fig. 5) such that the at least one projection functionally engages the groove thereby preventing rotation of the control rod (column 5, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. and Lisak to "reduce the cost of the mechanism . . . ." See column 3, line 36, of Schmitt.

Concerning claim 23, Lisak et al. and Lisak do not disclose the tang being positioned on the nose. Schmitt discloses the tang (reference number 70) being positioned on the nose of the adjuster portion (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. and Lisak to "reduce the cost of the mechanism . . . ." See column 3, line 36, of Schmitt.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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